

UNITED STATES DISTRICT COURT

INDEX NO. _____

**AFFIDAVIT OF MARGOT
PHILLIPS LOTH IN SUPPORT
OF THE PLAINTIFFS'
MOTION**

EASTERN DISTRICT OF NEW YORK

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JOHN GARLAND, *et. al*, on behalf of themselves
and all other similarly situated employees of the New
York City Department of Education,

Plaintiffs,

-against-

NEW YORK CITY FIRE DEPARTMENT, DANIEL
A. NIGRO, in his official and individual capacities,
JOHN DOE #1-10, in their official and individual
capacities; and JANE DOE #1-10 in their official and
individual capacities,

Defendants.

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STATE OF NEW YORK)

) ss.

COUNTY OF SUFFOLK)

MARGOT PHILLIPS LOTH, being duly sworn deposes and states under penalty of
perjury that:

1. I am a Plaintiff in this Action. I have not received a COVID-19 vaccine. I am a paramedic working for the Emergency Medical Services division of the NEW YORK CITY FIRE DEPARTMENT ("FDNY"). I offer this Affidavit based upon my personal knowledge and conversations I have had with my fellow FDNY employees who have not received a COVID-19 vaccine.

2. I have been unpaid since November 1, 2021 because of my COVID-19 vaccination status.

3. I have spoken with my Union, DC37, and they are in the process of filing a grievance challenging my suspension without pay that is based solely upon my COVID-19 vaccination status.


4. I have not received any charges or a hearing, which is my right pursuant to N.Y. City Administrative Code § 15-113. I have been placed on leave without pay without any due process in violation of my constitutional property right to my pay. I have not received due process before

I was suspended without pay in violation of my due process rights.

5. On behalf of the Plaintiffs and all others similarly situated, I am requesting that the Court grant the Plaintiffs a Temporary Restraining Order and a Preliminary Injunction, restoring our pay and barring the FDNY from terminating our employment without due process.


Margot Phillips Loth

Sworn before me on this
24 day of November 2021


Notary Public
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PATRICK LARSON
Notary Public - State of New York
No. 01LA6392988
Qualified in Nassau County
My Comm. Expires June 10, 2023